INTERNET FORM NURB-501 (2-08)

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE						
Case	Date Filed		_			
25-CA-113523	9/17/13					

INSTRUCTIONS:

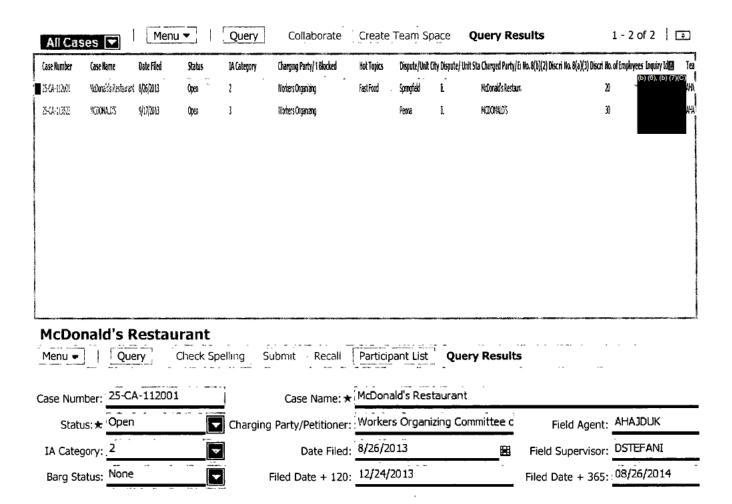
NSTRUCTIONS: The an original with NLRB Regional Director for the region in which th	e alleged unfair labor practice occurred or la occurr	ng
1. EMPLOYER A	GAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer		b. Tel. No (309) 671-1017
McDonald's		c. Cell No.
<b>,</b>	•	C. Can No.
		f. Fax No.
d Address (Street, city, state, and ZIP code)	e. Employer Representative	
4047344 84010 64		g. e-Mail
1017 W. Main St.	1	
Peoria, IL 61606		h. Number of workers employed 20-30
Type of Establishment (factory, mine, wholeseler, etc.)	Identify principal product or service	20-50
Restaurant	Food	,
k. The above-named employer has engaged in and is engaging	in unfair labor practices within the meaning of se	otion 8(a), subsections (1) and (list
subsections) (3)		oor Relations Act, and these unfair labor
practices are practices affecting commerce within the meaning		•
within the meaning of the Act and the Postal Reorganization		nan produces andest & commence
2 Basis of the Charge (set forth a clear and concise statement		ractices)
	,	,
Within the last six months, the employer terminated	d employee (b) (6), (b) (7)(C) in retali	ation for having participated in
protected, concerted and union activities, and in ar		
activities.	<b>.</b>	
		RE SUBR 2013 SEP PE
•		S S
<b>,</b>		P SE B R
·		R 7 655
3. Full name of party filing charge (if lebor organization, give full	Il name, Including local name and number)	RECEIVEL NAME OF 17 AP PEORIA.
•.	, , , , , , , , , , , , , , , , , , , ,	33 M II
Workers Organizing Committee of Chicago		
4a. Aduress (Street and number, city, state, and ZIP code)		4b. Tel. No. (b) (6), (b) (7)(C)
7		4c. Cell No.
123 West Madison Street, Suite 800		
Chicago, Illinois 60602		4d Fax No (b) (6), (b) (7)(C)
		4e. a-Mail
,		}
5. Full name of national or international labor organization of w	rhich it is an affiliate or constituent unit (to be filled	d in when charge is filed by a labor
organization) Workers Organizing Committee of Chic		,
6 DECLARATION ideclare that I have read the above charge and that the statements		Tel, No. (312) 372-1361
Logolate mart upper land the prove charge sup that me are allights	s are true to the best of my knowledge and belief.	
5 117 FOR	orge A. Luscombe III, Attorney	Office, if any, Cell No,
	(Print/type name and title or office, if any)	
		Fax No. (312) 372-6599
Dowd, Bloch & Bennett, 8 S. Michigan Av		e-Mail .
Chicago, Illinois 60603	Sept. 17, 2013	gluscombe@dbb-law.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the Information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.

. . .

CHARGE ASSIGNMENT SHEET (EMPLOYER)							
Case No.: Case Name: McDonald's							
<b>Date Filed:</b> 9/17/2013	Category:			2		$\sqrt{3}$	
Potential 10(j): 8(a)(2  YES NO					inatees	#employees (if not currently on charge):	
IO Charge?  Dispute Location: Peoria, IL  VES NO							
Barg. Status:  ☐ Existing Contract ☐ Organizational Campaign ☐ Initial Contract ☐ Succeeding Contract ☐ None							
SUPERVISOR: AG			ENT:	Hay	derb *** *8(		
8(a)(1)					·m .±8(	a)(4)	
☐ Coercive Actions (Surveillance, etc.) ☐ Coercive Rules ☐ Coercive Statements(Threats, Promises of Benefits, etc.) ☐ Concerted Activities (Retaliation, Discharge, Discipline)		īts,	<ul> <li>□ Changes in Terms and Conditions of Employment</li> <li>□ Discharge (including Layoff and Refusal to Hire)</li> <li>□ Discipline</li> <li>□ Refusal to Reinstate Employee/Striker</li> <li>□ Shutdown or Relocate/Subcontract Unit Work</li> </ul>				
Denial of Access			<u>.</u>		86	a)(5)	
☐ Discharge of supervisor (Parker-Robb Chevrolet) ☐ Interrogation (including Polling) ☐ Lawsuits ☐ Weingarten		)	□ Alter Ego □ Failure to Sign Agreement □ Refusal to Bargain/Bad Faith Barg. (inc. surface barg./direct dealing) □ Refusal to Furnish Information				
8(a)(2)			☐ Refusal to Hire Majority				
☐ Assistance ☐ Domination ☐ Unlawful Recognition			<ul> <li>□ Refusal to Recognize</li> <li>□ Repudiation/Modification of Contract (Sec. 8(d)/Unilateral Changes)</li> <li>□ Shutdown or Relocate (e.g. First National Maint.)</li> </ul>				
8(a)(3)		,,	S	ubcontract W	'ork		
☐ Changes in Terms and Conditions of Employment ☐ Discharge (Including Layoff and Refusal to Hire)(not salting) ☐ Discipline		8(ê)  All Allegations against a Labor Organization					
<ul> <li>□ Lockout</li> <li>□ Refusal to Consider/Hire Applicant (salting only)</li> <li>□ Refusal to Reinstate E'ee/Striker (e.g. Laidlaw)</li> <li>□ Retaliatory Lawsuit</li> <li>□ Shutdown or Relocate/Subcontract Unit Work</li> <li>□ Union Security Related Actions</li> </ul>		)	□ All Allegations against an Employer  Related Cases:				





SUBREGION 33 300 Hamilton Blvd Ste 200 Peoria, IL 61602-1234 Agency Website: www.nlrb.gov Telephone: (309)671-7080 Fax: (309)671-7095

September 17, 2013

MCDONALD'S 1017 W Main St. Peoria, IL 61606

> Re: MCDONALD'S Case 25-CA-113523

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner ALEXANDER M. HAJDUK whose telephone number is (309)671-7059. If this Board agent is not available, you may contact Officer in Charge DEBRA L. STEFANIK whose telephone number is (309)671-7085.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate. Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether

or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours, DEBRA L. STEFANIK /s/ Debra L. Stefanik Acting Regional Director

#### Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

A STATE OF INCORPORATION OR FORMATION  8 NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES OR FORMATION  4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS  5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR  6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).  7. A. PRINCIPAL LOCATION:  8. NUMBER OF PEOPLE PRESENTLY EMPLOYED A. Total:  9. DURING THE MOST RECENT (Check appropriate box): [ CALENDAR YR [ 12 MONTHS or [ ] FISCAL YR (FY dates ) ) YES NO  A Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  8. S.  8. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  9. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broad-casting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$  1. Did you sell goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$  9. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$  9. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$  1. Did you purchase and receive goods valued in excess of \$50,000 from miterely outside your State? If less than \$50,000, indicate amount. \$  1. Did you purchase and receive goods valued in excess of \$50,000 from miterely outside your State? If less than \$50,000, indicate amount. \$  1. Did you purchase and receive goods valued in excess of	Revised 3/21/2011 NATIONAL LABOR RELATIONS BOARD								
CASE NAME  MCDONALD'S  1. EXACT LEGAL THILE OF ENHTY (As filed with State and/or stated in legal documents forming entity)  2. TYPE OF ENHTY  [] CORPORATION [] LIC [] LLP [] PARTNERSHIP [] SOLE PROPRIETORSHIP [] OTHER (Specify)  3. IF A CORPORATION or LLC  4. STATE OF INCORPORATION  OR FORMATION  A STATE OF INCORPORATION  OR FORMATION  B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subadiary) OF ALL RELATED ENTITIES  B. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS  5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR  BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products bandled or manufactured, or nature of survices performed).  7. A. PRINCIPAL LOCATION:  B. BRANCH LOCATIONS:  B. A Total:  B. A title address involved in this matter:  9. DURING THE MOST RECENT (Check appropriate beny: [ I CALENDAR VR	QUESTIONNAIRE ON COMMERCE INFORMATION								
EXACT LEGAL TITLE OF ENTITY									
2. TYPE OF ENTITY  [] CORPORATION   LLC   LLP   PARTNERSHIP   SOLE PROPRIETORSHIP   OTHER (Specify)  3. IF A CORPORATION   LLC   LLP   PARTNERSHIP   SOLE PROPRIETORSHIP   OTHER (Specify)  3. IF A CORPORATION   LLC   LLP   PARTNERSHIP   SOLE PROPRIETORSHIP   OTHER (Specify)  4. IF AN ILC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS  5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF FROPRIETOR  6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of survices performed).  7. A. PRINCIPAL LOCATION:  8. NUMBER OF PEOPLE PRESENTLY EMPLOYED  A. Toni:  9. DURING THE MOST RECENT (Check appropriate base):   CALENDAR VR   122 MONTHS or   FISCAL VR (FY dates valued in excess of \$550,000 directly to customers outside your State? If no, indicate actual value.  8. S.  8. If you answered no to 9A, did you provide services valued in excess of \$50,000 to eutomers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate not utilities, transit systems, newspapes, beath care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount.  8. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  8. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  8. If you answered no to 9D, did you sell goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  8. If you answered no to 9D, did you sell goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  9. Did you preclasse and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  9. Did you answered no to 9D, di						3			
CORPORATION   LLC   LIP   PARTNERSHIP   SOLE PROPRIETORSHIP   OTHER (Specify)	-	As filed with State an	d/or stated in legal doc	uments forming entity)	23-CA-11332.	,			
[] CORPORATION [] LLC [] LLP [] PARTNERSHIP [] SOLE PROPRIETORSHIP [] OTHER (Specify)  3. If A CORPORATION OF LLC  A STATE OF INCORPORATION OR FORMATION OR FORMATION  B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES  S. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS  5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF FROPRIETOR  6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).  7. A. PRINCIPAL LOCATION:  B. At the address involved in this matter:  9. DURING THE MOST RECENT (Check appropriate bay): [] CALENDAR VR. [] 12 MONTHS or [] FISCAL VR. (FY dates or propriate bay): [] CALENDAR VR. [] 12 MONTHS or [] FISCAL VR. (FY dates or produced in excess of \$50,000 directly to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate actual value.  S. If you answered no to 9A, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$  E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$  E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$  E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$  E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$  E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000,				,					
[] CORPORATION [] LLC [] LLP [] PARTNERSHIP [] SOLE PROPRIETORSHIP [] OTHER (Specify)  3. If A CORPORATION OF LLC  A STATE OF INCORPORATION OR FORMATION OR FORMATION  B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES  S. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS  5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF FROPRIETOR  6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).  7. A. PRINCIPAL LOCATION:  B. At the address involved in this matter:  9. DURING THE MOST RECENT (Check appropriate bay): [] CALENDAR VR. [] 12 MONTHS or [] FISCAL VR. (FY dates or propriate bay): [] CALENDAR VR. [] 12 MONTHS or [] FISCAL VR. (FY dates or produced in excess of \$50,000 directly to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate actual value.  S. If you answered no to 9A, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$  E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$  E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$  E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$  E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$  E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000,	2 TYPE OF ENTITY								
S. FA CORPORATION OR FORMATION OR FORMATION OR FORMATION  B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES OR FORMATION  4. IF AN LLC OR ANY TYPE OF PARTINERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTINERS  5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF FROPRIETOR  6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).  7. A. PRINCIPAL LOCATION:  B. BRANCH LOCATIONS:  B. BRANCH LOCATIONS:  9. DURING THE MOST RECENT (Check appropriate bay): [ CALENDAR YR		LP [ ] PARTNER	RSHIP [ ] SOLE PR	OPRIETORSHIP [ ] OTHE	R (Specify )				
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5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR  6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).  7. A. PRINCIPAL LOCATION:  8. BRANCH LOCATIONS:  8. NUMBER OF PEOPLE PRESENTLY EMPLOYED  A. Total:  8. At the address involved in this matter:  9. DURING THE MOST RECENT (Check appropriate bax):  1 [ CALENDAR YR									
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

### **UNITED STATES OF AMERICA**

### **BEFORE THE NATIONAL LABOR RELATIONS BOARD**

MCDONALD'S	
Charged Party	
and	Case 25-CA-113523
WORKERS ORGANIZING COMMITTEE OF CHICAGO	
Charging Party	
AFFIDAVIT OF SERVICE OF CHARGE AGAIN	ST EMPLOYER
I, the undersigned employee of the National Labor Research September 17, 2013, I served the above-entitled document following persons, addressed to them at the following	ment(s) by post-paid regular mail upon the
MCDONALD'S 1017 W Main St. Peoria, IL 61606	
September 17, 2013	Jamila Franklin, Designated Agent of NLRB
Date	Name

/s/ Jamila Franklin Signature



SUBREGION 33 300 Hamilton Blvd Ste 200 Peoria, IL 61602-1234 Agency Website: www.nlrb.gov Telephone: (309)671-7080 Fax: (309)671-7095

September 17, 2013

Workers Organizing Committee of Chicago 123 W Madison St Ste 800 Chicago, IL 60602-4621

> Re: MCDONALD'S Case 25-CA-113523

Dear Sir or Madam:

The charge that you filed in this case on September 17, 2013 has been docketed as case number 25-CA-113523. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner ALEXANDER M. HAJDUK whose telephone number is (309)671-7059. If the Board agent is not available, you may contact Officer in Charge DEBRA L. STEFANIK whose telephone number is (309)671-7085.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours, /s/ Debra L. Stefanik

DEBRA L. STEFANIK Acting Regional Director

cc: George A Luscombe, Attorney Dowd Bloch & Bennett 8 S Michigan Ave Fl 19 Chicago, IL 60603-3357

INTERNET FORM NLRB-5081 (2-08)	NATIONAL LABOR RELATIONS BOARD QUESTIONNAIRE ON COMMERCE INFORMATION				FORM EXEMPT UNDER 44 U.S.C. 3512		
Please read carefully. Answer all applicable items and return to the Regional Office. If additional space is required, use plain bond paper and identify item number.							
CASE NAME				CAS	E NUMBER		
Workers Organizing Co	ommittee of Chicago v. Clark	13876, LLC d/t	o/a McDonalds	25-	CA-113523		
1. TYPE OF BUSINESS  [✓] CORPORATION							
2. CLASSIFICATION WHICH E  WHOLESALING HOSPITAL TRUCKING TRANSIT SYSTEM	DESCRIBES YOUR BUSINESS    NEWSPAPER   HOTEL - MOTEL   PUBLIC UTILITY   BUILDING AND CONS	STUCTION	OFFICE OF INDUSTRIAL BUILDING MANUFACTURING/PROCESSING BROADCASTING STATION OTHER (Describe)	SE	TAIL RVICE ORGANIZATION RSING HOME		
3. EXACT LEGAL TITLE OF FI Clark 13876, LLC	RM						
4. IF A CORPORATION							
A. INCORPORATED IN STATE OF: IL	B. NAME(s) AND ADDRESS(es) OF N/A	F PARENT, SUBSID	DIARY, OR RELATED CORPORATION, IF ANY,	AND DESC	CRIBE RELATIONSHIP.		
5. IF A PARTNERSHIP							
FULL NAME AND COMPLE N/A	TE ADDRESS OF ALL PARTNERS.						
6. IF A PROPRIETORSHIP							
FULL NAME AND COMPLE N/A	TE ADDRESS OF PROPRIETOR.						
7. BRIEFLY DESCRIBE THE N	ATURE OF YOUR BUSINESS (Gener	al products handled	or manfactured, or nature of services performed	<del></del>			
Restaurant			,	7			
8. PRINCIPAL PLACE OF BUSINESS LOCATED AT: 1017 N. Main St., Peoria, IL 61604  BRANCH(es) LOCATED AT:							
	PRESENTLY EMPLOYED BY YOUR F						
A. TOTAL 100 (approximately	<i>'</i> )	B.	AT THE ADDRESS INVOLVED IN THIS PROC 100 (approximately)	EEDING.			
10. DURING THE PAST [ ]	CALENDAR, [ ] FISCAL YEAR (If F	iscal Year indicate i	dates) OR [ / LAST 12 MONTHS (Check a)	nronriate h	ον).		
<u> </u>		OF SERVICES DI	RECTLY TO CUSTOMERS OUTSIDE THE STA		\$ Uncertain		
	OF PURCHASES OF MATERIALS OF		CTLY FROM OUTSIDE THE STATE 0,000 INDICATE AMOUNT		\$		
C. DID GROSS REVENU WHICH DIRECTLY MA	E FROM YOUR SALES OR PERFORM	MANCE OF SERVICE	DES EQUAL OR EXCEED \$50,000 TO FIRMS D/OR TO CUSTOMERS WHICH MADE TO IF LESS THAN \$50,000 INDICATE A	MOUNT	\$ Uncertain		
	L	<u> </u>	1		ψ Onecitam		
D. IF THE ANSWER TO 10(c) IS NO, DID GROSS REVENUE FROM SALES OR PERFORMANCE OF SERVICES EQUAL OR EXCEED \$50,000 TO PUBLIC UTILITIES, TRANSIT SYSTEMS, NEWSPAPERS, HEALTH CARE INSTITUTIONS, BROADCASTING STATIONS, COMMERCIAL BUILDINGS, EDUCATIONAL INSTITUTIONS AND/OR RETAIL CONCERNS [ ] YES [ ✓ ] NO IF LESS THAN\$\$0,000 INDICATE AMOUNT					\$ N/A		
E. DID GROSS AMOUNT OF YOUR PURCHASES EQUAL OR EXCEED \$50,000 FROM FIRMS WHICH IN TURN, PURCHASED THOSE GOODS DIRECTLY FROM OUTSIDE THE STATE / YES   NO IF LESS THAN \$50,000 INDICATE AMOUNT					\$		
F. GROSS REVENUE FROM ALL SALES OR PERFORMANCE OF SERVICES (Check largest amount which firm equaled or exceeded):  [ ]\$100,000					\$		
11. ARE YOU A MEMBER OF.	OR PARTICIPATE IN, AN ASSOCIAT	ION OR OTHER EN	IPLOYER GROUP THAT ENGAGES IN COLLE	CTIVE BAR	GAINING?		
[ ]YES [✔]NO	(If yes, give Name and Address	of association or gr	roup).				
40 DID FIDM DEDECOMMENT	COLOR DESCRIPTION TO	E DEDICA MIDICA	FED IV 40 A DOVE O		I .		
	ONAL DEFENSE WORK DURING THI Ime and name(s) and address(es) for v			NO	\$		
13 PROVIDE NAME 9 TITLE (	E VOLID DEDDESENTATIVE DEST	MALIEED TO CAM	E FURTHER INFORMATION CONCERNING TH	IE ODEDAT	TONS OF YOUR BUSINESS		
NAME	7 TOUR REFRESENTATIVE BEST C	TITLE	LI GIVITEIX IIVI ORIVIATION CONCERNING II		EPHONE NUMBER		
Steve A. Miller		Attorney		L L	(2) 346-8061		
	Olona Tipe on Alimina		ATN/F COMPLETING THE CHIEFTON	1 (3)	,		
NAME AND THE CO		· /	ATIVE COMPLETING THIS QUESTIONNAIRE				
NAME AND TITLE (Type or F Steve A. Miller, Attorn		SIGNATURE		DAT	는 21/13		

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



SUBREGION 33 300 Hamilton Blvd Ste 200 Peoria, IL 61602-1234 Agency Website: www.nlrb.gov Telephone: (309)671-7080 Fax: (309)671-7095

Agent's Direct Dial: (309)671-7059

October 31, 2013

Craig R. Annunziata Fisher & Phillips LLP 10 S. Wacker Dr. Ste. 3450 Chicag, IL 60606

James M. Hux JR., Attorney Fisher & Phillips LLP 10 S Wacker Dr Ste 3450 Chicago, IL 60606-7592

Steve A. Miller Fisher & Phillips LLP 10 S Wacker Dr Ste 3450 Chicago, IL 60606-7592

> Re: MCDONALD'S Case 25-CA-113523

Dear Messrs. Annunziata, Hux, and Miller:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the allegations raised in the investigation of the above-captioned matter. As explained below, I am requesting to take affidavits on or before Tuesday, November 12, 2013 with regard to certain allegations in this case.

**Allegations:** The allegations for which I am seeking your evidence are as follows.

- On or about (b) (6), (b) 2013, by and through (b) (6), (b) (7)(C) (surname unknown to Board Agent) and other agents of the Employer, threatening employees with discharge in retaliation for a potential strike. Specifically, the Charging Party alleges that the (b) (6), informed employees that they would be terminated if they engaged in a strike activity.
- On or about (b) (6), (b) (7) 2013, by and through (b) (6), (b) (7)(C) (surname unknown to Board Agent) and other agents of the Employer, orally promulgating a rule prohibiting employees from discussing the then-recent strike activity. Specifically, the Charging Party contends that the (b) (6), upon

hearing employees discussing the then-concluded strike, verbally admonished and prohibited employees from discussing the strike or other related matters.

• On or about (b) (6), (b) (7) 2013, by and through agents of the Employer, terminating employee (b) (6), (b) (7)(C) in retaliation for protected concerted and/or union activities. Specifically, the Charging Party asserts that the Employer's proffered rationale for the discharge, putative theft, is pretextual.

Board Affidavits: I am requesting to take affidavits from (b) (6), (b) (7)(C)

and any other individuals you believe have information relevant to the investigation of the above-captioned matter. If you do not allow the Board agent to take sworn affidavits from representatives who may have relevant information, the Agency will consider that to constitute less than complete cooperation in the investigation of the charge.

**Additional Documentation:** In addition to the foregoing, I am also requesting the following documents, information, and positions.

- Complete and accurate names for all managers and supervisors at the Employer's location.
- The complete personnel file, sans redactions, for employee (b) (6), (b) (7)(C)
- Contact information for employees (b) (6), (b) (7)(C)
   (surname unknown to Board Agent).
- All documents received by the Employer from individual employees or other organizations, including any labor organizations, prior to the strike on August 29, 2013.
- All documents and information relied upon by the Employer in making the determination to discharge employee (b) (6), (b) (7)(C).
- All documents and information related to Employer disciplines or discharges of employees for reasons similar or comparable to those proffered to employee (b) (6), (b) (7)(C)
- All documents used by the Employer during new employee orientation and training and subsequent employment, including any personnel or employee handbooks, work rules, or policies and procedures. In order to narrow the reach of this request, please confine any submission pursuant to this point to the last two years.
- All documents, excluding those made under the aegis of attorney-client privilege, produced, promulgated, and circulated to employees and supervisors regarding the August 29 strike.

**Date for Submitting Evidence:** To resolve this matter as expeditiously as possible, you are requested to present your evidence in this matter by Tuesday, November 12, 2013. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlrb.gov**, select **File Case Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by that time or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (309)671-7059, or e-mail, alexander.hajduk@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

 $/_{\rm S}/$ 

ALEXANDER M. HAJDUK Field Examiner From: <u>Stefanik, Debra L.</u>
To: <u>Hajduk, Alexander M.</u>

Subject: FW: McDonald"s 25-CA-113523 - (b) (5)

Date: Monday, December 16, 2013 12:17:09 PM

(b) (5) ? Thank you.

From: Dunham, Geoffrey

Sent: Monday, December 16, 2013 10:03 AM

**To:** Stefanik, Debra L. **Cc:** Leach, David E.

**Subject:** FW: McDonald's 25-CA-113523 -- (b) (5)

Debra, (b) (5) . Geoff

From: Kearney, Barry J.

**Sent:** Monday, December 16, 2013 10:38 AM

To: Fernbach, Karen P.; Dunham, Geoffrey; Leach, David E.

Subject: RE: McDonald's 25-CA-113523 -- (b) (5)

So do I

From: Fernbach, Karen P.

**Sent:** Monday, December 16, 2013 10:24 AM **To:** Dunham, Geoffrey; Leach, David E.

Cc: Kearney, Barry J.

**Subject:** RE: McDonald's 25-CA-113523 -- (b) (5)

I agree (b) (5)

Karen

From: Leach, David E.

**Sent:** Wednesday, December 11, 2013 2:00 PM **To:** Fernbach, Karen P.; Dunham, Geoffrey

**Subject:** FW: McDonald's 25-CA-113523 -- (b) (5)

Importance: High

I agree with Geoff. (b) (5)

Dave

From: Dunham, Geoffrey

Sent: Wednesday, December 11, 2013 9:54 AM

To: Fernbach, Karen P.; Leach, David E.

Subject: FW: McDonald's 25-CA-113523 -- (b) (5)

Importance: High

I recommend (b) (5) (b) (5)



From: Stefanik, Debra L.
Sent: Wednesday, November 27, 2013 5:37 PM
To: Leach, David E.; Dunham, Geoffrey
Cc: Lineback, Rik D.; Hajduk, Alexander M.
Subject: McDonald's 25-CA-113523 -- (b) (5)

Importance: High

Gentlemen,



If you have any questions, please contact me at 309.671.7085.

Happy Thanksgiving,

Deb Stefanik Officer in Charge SR-33 (Peoria, IL) From: George Luscombe To: Hajduk, Alexander M. **Barry Bennett** Cc:

Subject: Case No. 25-CA-113523, McDonald"s

Date: Wednesday, December 18, 2013 10:27:35 AM

#### Alex,

The union would like to withdraw the charge in Case No. 25-CA-113523, McDonald's. Please let me know if you need anything additional from me.

Thank you for your assistance on this case.

### George

### **George Luscombe**

Dowd, Bloch & Bennett 8 South Michigan Avenue - 19th Floor Chicago, IL 60603

gluscombe@dbb-law.com Ph: (312) 372-1361 Fax: (312) 372-6599

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### Hajduk, Alexander M.

From: Sent: George Luscombe [gluscombe@dbb-law.com] Wednesday, December 18, 2013 9:27 AM

To:

Hajduk, Alexander M

Cc:

Barry Bennett

Subject:

Case No 25-CA-113523, McDonald's

NxGen:

Uploaded

Alex,

The union would like to withdraw the charge in Case No. 25-CA-113523, McDonald's. Please let me know if you need anything additional from me.

Thank you for your assistance on this case.

George

George Luscombe

Dowd, Bloch & Bennett 8 South Michigan Avenue - 19th Floor Chicago, IL 60603 gluscombe@dbb-law.com

Ph: (312) 372-1361 Fax: (312) 372-6599 Ammy. 13/18/13

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SUBREGION 33 300 Hamilton Blvd Ste 200 Peoria, IL 61602-1234 Agency Website: www.nlrb.gov Telephone: (309)671-7080 Fax: (309)671-7095

December 18, 2013

CRAIG R. ANNUNZIATA FISHER & PHILLIPS LLP 10 S. WACKER DR. STE 3450 CHICAGO, IL 60606

JAMES M. HUX JR., ATTORNEY FISHER & PHILLIPS LLP 10 S WACKER DR STE 3450 CHICAGO, IL 60606-7592

STEVE A. MILLER FISHER & PHILLIPS LLP 10 S WACKER DR STE 3450 CHICAGO, IL 60606-7592

> Re: MCDONALD'S Case 25-CA-113523

Dear Messrs. Annunziata, Hux, and Miller:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

RIK LINEBACK Regional Director

By:

DEBRA L. STEFANIK Officer in Charge

ebra L Stefanik

cc: GEORGE A LUSCOMBE, ATTORNEY DOWD, BLOCH & BENNETT 8 S MICHIGAN AVE FL 19 CHICAGO, IL 60603-3357 WORKERS ORGANIZING COMMITTEE OF CHICAGO 123 W MADISON ST STE 800 CHICAGO, IL 60602-4621

MCDONALD'S 1017 W MAIN ST. PEORIA, IL 61606